

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELEANORE E. WARMKESSEL
o/b/o
DONALD C. WARMKESSEL, III
Plaintiff

v.

MICHAEL ASTRUE,
Commissioner of the
Social Security Administration,
Defendant

CIVIL ACTION

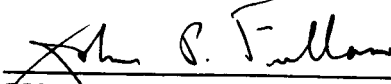
NO. 07-3376

ORDER

AND NOW, this 9th day of April, 2009, after careful review and independent consideration of the Plaintiff's brief and request for review, Defendant's response, Plaintiff's response, and review of the Report and Recommendation of Carol Sandra Moore Wells, United States Magistrate Judge, it is hereby ORDERED that:

- (1) The Report and Recommendation be APPROVED and ADOPTED;
- (2) The Plaintiff's Request for Review be GRANTED in part and DENIED in part; and
- (3) The matter be REMANDED to the Commissioner of Social Security Administration to allow the Administrative Law Judge (ALJ) to conduct additional proceedings consistent with the Report and Recommendation. On remand, the ALJ shall: (1) elicit testimony regarding Mr. Warmkessel's ability to walk and, thereafter, re-evaluate whether he medically equaled Listing 1.02A, (2) re-assess Mr. Warmkessel's RFC considering all of his physical impairments, (3) clearly articulate the specific limitations his physical impairments caused, (4) re-assess Mr. Warmkessel's and Ms. Fluck's credibility, and (5) pose hypothetical questions to the vocational expert which take into account all credible limitations.

It be so ORDERED.


JOHN P. FULLAM, J.